IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Civil Writ Petition No. 1371 of 2006 (S/S)

Dr. Kamlesh KUmar Dwivedi
S/o Sri Brijal Dwivedi,
Working as L.T. Grade Assistant Teacher (Biology),
G.I.C. Queela Khal, District Rudraprayag.

…… Petitioner

Versus

1. State of Uttaranchal
   through Director of Education, Dehradun.
2. Joint Director of Education,
   Garhwal Mandal, Pauri Garhwal.
3. District Education Officer, Rudraprayag.
4. Sri D.C. Gaur (Inquiry Officer)
   Block Education Officer,
   Block Dhikuli, District Rudraprayag.

…….. Respondents

Mr. S.S. Yadav, Advocate for the petitioner.
Mr. N.P. Sah, learned Standing Counsel for the State.

Hon'ble Prafulla C. Pant, J.

Heard learned counsel for the petitioner and learned Standing Counsel for the State.

2) By means of this writ petition, the petitioner has challenged the impugned order whereby the petitioner has been transferred for Government Inter College, Queela Khal (Rudraprayag) to Junior High School Seetel (Chamoli).

3) Learned counsel for the petitioner argued that the transfer order suffers from the malice on the part of the respondent No. 4 Block Education Officer, who is Enquiry

Officer, in an enquiry pending against the petitioner. A perusal of the impugned order (copy Annexure -1 to the writ petition) shows that the transfer has been made on the administrative ground. The transfer order has been passed by the Regional Director (Education), Garhwal Mandal. There appears no malice on the part of the transferring authority. In the circumstances, this Court is not inclined to stay/ quash the impugned order.

4) Learned counsel for the petitioner prayed that the writ petition may be disposed of summarily as the petition may become infructuous, ones the charge is taken over from the petitioner. In the circumstances, the writ petition is dismissed summarily with the observation that the petitioner may make a representation, relating to his grievances, before the Regional Director (Education), Garhwal Mandal, within a period of ten days from today, who may dispose of the same within a period of one month from the date certified copy of this Order is produced before him, with such representation. (Interim Relief Application No. 14691 of 2006 also stands disposed of).

(Prafulla C. Pant, J.)

Dt.: December 07, 2006
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